

### **III. Remarks**

Claims 1-23 were pending in this application and have been rejected. The present amendment cancels claims 11 and 18, and amends claims 1, 6, 9, 12, 14-15, 17 and 19-22 to correct minor typographical errors and to more particularly point out and clarify Applicants' invention. No new matter has been added. After this amendment, claims 1-10, 11-17 and 19-23 will be pending.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

#### *In the Drawings:*

The Examiner objected to the drawings for failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character not mentioned in the description: "25" in Fig. 1. This is however not the case. Reference character "25" is mentioned in the last line of paragraph [0068]. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

#### *In the Specification:*

The Examiner objected to the Abstract of the disclosure because: (1) the Abstract contains the legal phraseology "comprises"; and (2) the Abstract begins with the phrase "the invention relates to". Applicants have amended the Abstract by replacing "comprises" with "has", and by deleting the phrase "the invention relates

to". Accordingly, Applicants believe that the amendments to the Abstract has cured the respective objection.

Claim Objections:

Claim 1 has been amended by deleting "pedestrian". This amendment was in response to the objection that correction to "the pedestrian" in line 11 of Claim 1 is required.

Claim 9 has been amended by replacing "windscreen" with "windshield" as suggested by the Examiner.

Claim 18 has been cancelled. Claims 17 and 19-21 have been amended to consistently recite "pedestrian protection arrangement" in each of the claims as indicated by the Examiner.

Claim 21 has been further amended by replacing "hood or bonnet" with "hood" as suggested by the Examiner.

Accordingly, Applicants believe that the above amendments have cured respective the objections to claims 1, 9 and 17-21.

Rejections under 35 U.S.C. § 112

Claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. Claims 11 and 18 have been cancelled by the present amendment and therefore, the rejections of claims 11 and

18 are now moot. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1-10, 12-17 and 19-23 are traversed.

Claim 1 has been amended by deleting "which may include a pedestrian". This amendment was in response to an objection that claim 1 was indefinite because it was unclear whether the limitation "a pedestrian located in front of the vehicle" following "which may include" was intended to be part of the claimed invention.

Claim 1 was further amended to recite "a threshold distance". Claim 12 depends from claim 1. The amendment to claim 1 was in response to the objection that claim 12 recitation of "the threshold distance" lacked antecedent basis.

Claim 15 has been amended by replacing "sensor" with "the second sensor arrangement" which has antecedent basis established in claim 1. This amendment has in response to the objection that claim 15 recited "the sensor" which lacks antecedent basis.

Claim 17 has been amended by replacing "the object below a threshold and a speed above a threshold" with "the object below the threshold distance and a speed above the threshold speed". Both "threshold distance" and "threshold speed" have antecedent basis established in claim 1. The amendment to claim 17 was in response to the objection that "a threshold" in lines 3-4 and in line 5 need clarification.

Claim 20 has been amended to recite "one mode of activation of the at least two modes of activation" and "another mode of activation of the at least two modes

of activation". This amendment was in response to the objection that "one mode of activation" and "a second mode of operation" lacked clear antecedent relationship to "at least two modes of activation".

Claim 21 has been amended to recite "one mode of activation of the at least two modes of activation" and "another mode of activation of the at least two modes of activation". This amendment was in response to the objection that "one mode of activation" and "the second mode" lacked clear antecedent relationship to "at least two modes of activation".

Accordingly, Applicants believe that the above amendments have cured the 35 U.S.C. § 112, second paragraph, rejections of claims 1-10, 12-17 and 19-23.

*Rejection under 35 U.S.C. § 102*

Claim 1-14 and 16-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004-0182629 issued to Takahashi, et al. ("Takahashi"). Claim 11 has been cancelled by the present amendment and therefore, the rejection of claim 11 is now moot. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1-10, 12-14 and 16-17 are traversed.

Applicants' invention is concerned with providing a pedestrian detection system for a motor vehicle. The system includes a first sensor arrangement located more than 0.5 metres behind the front of the vehicle. In particular, the first sensor arrangement has a "sensor 10...positioned to detect the relative speed of and/or the distance to part of an object which extends above the height of the front part of the

hood 3. In this way, the sensor 10 will not respond to a relatively small item such as a traffic cone or small animal, which will effectively be hidden from the sensor 10 by the front part of the hood 3." The system also includes a second sensor arrangement mounted at the front of the vehicle responsive to an impact with the object. Therefore, the system having both first and second sensor arrangements can distinguish between small objects that are obscured by the hood and hence not detected by the first sensor arrangement, and larger objects (e.g. pedestrians) that are detected by both the first and second sensor arrangements.

Moreover, the system is cooperatively configured with a pedestrian protection arrangement that has two modes of activation, e.g., activation of a hood lifter and activation of a pedestrian airbag, in response to the first and second sensor arrangements. Accordingly, claim 1 has been amended to recite the detection system is cooperatively configured with a pedestrian protection arrangement to activate the pedestrian protection arrangement in response to the first sensor arrangement detecting at least one of a distance below a threshold distance and a speed above a threshold speed. The pedestrian protection arrangement has at least two modes of activation. Support for this amendment may be found in Applicants' application at paragraphs [0023], [0054] and [0060].

Takahashi discloses an apparatus for a vehicle which includes a camera for taking a forward image, and a collision prediction module that delivers a collision signal upon detection of a collision via the camera. A pedestrian airbag located on the exterior of the vehicle is deployed in response to the collision signal. *Takahashi* at Abstract. Notably, the apparatus of Takahashi is unlike Applicants' invention in at

least that Takahashi fails to disclose the apparatus as having a second mode of activation. More importantly, however, Takahashi is not prior art to Applicants' invention. Specifically, Takahashi has a publication date of September 23, 2004, and a 102(e) filing date of March 1, 2004. Applicants' application claims priority to Great Britain patent application 0308220.3, filed April 9, 2003 and PCT patent application PCT/SE2004/000570, filed April 8, 2004. The Great Britain patent application filing date predates both the publication and 102(e) filing date of Takahashi. Furthermore, the Examiner has indicated in the Office Action at page 1 acknowledgment of the foreign priority claim and that "copies of the certified copies of the priority documents have been received in this National Stage application under 35 U.S.C. § 119(a)-(d) or (f)". Therefore, Applicants believe that the Great Britain patent application 0308220.3 filing date is perfected and thus, Takahashi is not prior art as to this application. Accordingly, Applicants believe that the 35 U.S.C. § 102 rejections of claims 1-10, 12-14 and 16-17 should be withdrawn, and that these claims are now in a condition for allowance.

Rejection under 35 U.S.C. § 103

Claims 15 and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of U.S. Patent No. 6,415,883 issued to Myrholt, et al. ("Myrholt"). Claim 18 has been cancelled by the present amendment and therefore, the rejection of claim 18 is now moot. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 15 and 19-23 are traversed.

Myrholt discloses a pedestrian protection system for a motor vehicle. The system has an actuator system 38 that includes a single sensor 30 for indicating an actual or imminent collision with a pedestrian. The system further includes pyrotechnic devices that urge A-Pillar covers to deploy prior to a pedestrian impact with the pillar covers. *Myrholt* at Abstract. Notably, Myrholt fails to disclose the pedestrian protection system having a sensor arrangement other than the single sensor 30 and which is configured and functions as the first sensor arrangement as recited in claim 1 of Applicants' invention.

As discussed above, Takahashi is not available as prior art as to Applicants' application, and Myrholt fails to disclosed the elements noted as missing with respect to claim 1 of Applicants' invention. Accordingly, Applicants believe that the 35 U.S.C. § 103(a) rejections should be withdrawn and that claims 15 and 19-23 are in a condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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